



Flathead County
Planning & Zoning
1035 1st Ave W, Kalispell, MT 59901
Telephone 406.751.8200 Fax 406.751.8210



PETITION FOR ZONING AMENDMENT

Submit this application, all required information, and appropriate fee (see current fee schedule) to the Planning & Zoning office at the address listed above.

FEE ATTACHED \$ 1,130

APPLICANT/OWNER:

1. Name: Bill & Caroline Vlachos Phone: 253-3041 / 862-2809
2. Mail Address: 325 Monegan Road
3. City/State/Zip: Whitefish, MT 59937
4. Interest in property: Owner

Check which applies: ☒ Map Amendment ☐ Text Amendment:

TECHNICAL/PROFESSIONAL PARTICIPANTS:

Name: Andy Hyde, P.E. Carver Engineering Phone: 257-6202
Mailing Address: 1995 Third Avenue East
City, State, Zip: Kalispell, MT 59901
Email: drjekyll@carvereng.com

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE TEXT OF THE ZONING REGULATIONS, PLEASE COMPLETE THE FOLLOWING:

- A. What is the proposed zoning text/map amendment?

The proposed amendment is from the current zoning of AG-40 Agricultural to a new zoning of I-1H Light Industrial - Highway.

IF THE REQUEST PERTAINS TO AN AMENDMENT TO THE ZONING MAP PLEASE COMPLETE THE FOLLOWING:

- A. Address of the property: 3872 Highway 93 North, Kalispell, MT 59901
- B. Legal Description: Tract 2G in Section 01, T29N, R22W
(Lot/Block of Subdivision or Tract #)
01 - 29N - 22W
Section Township Range (Attach sheet for metes and bounds)
- C. Total acreage: 10.796 acres - Tract 1 of COS 16493
- D. Zoning District: Highway 93 North
- E. The present zoning of the above property is: AG-40 - Agricultural
- F. The proposed zoning of the above property is: I-1H - Light Industrial-Highway

- G. State the changed or changing conditions that make the proposed amendment necessary: The Flathead County Landfill has recently informed the property owner that their expansion plans do not include expansion of the landfill southward onto the subject property. Based upon these expansion plans, the property owner now knows that expansion of the current existing non-agricultural use (boat storage facility) is possible and wishes to do so.

THE FOLLOWING ARE THE CRITERIA BY WHICH ZONING AMENDMENTS ARE REVIEWED. PLEASE PROVIDE A RESPONSE AND DETAILED EXPLANATION FOR EACH CRITERION FOR CONSIDERATION BY THE PLANNING STAFF, PLANNING BOARD, AND COMMISSIONERS.

1. Is the proposed amendment in accordance with the Growth Policy/Neighborhood Plan?
2. Is the proposed amendment designed to:
 - a. Secure safety from fire and other dangers?
 - b. Promote public health, public safety and the general welfare?
 - c. Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?
3. Does the proposed amendment consider:
 - a. The reasonable provision of adequate light and air?
 - b. The effect on motorized and non-motorized transportation systems?
 - c. Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?
 - d. The character of the district and its peculiar suitability for particular uses?
 - e. Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?
4. Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?

The signing of this application signifies approval for the Flathead County Planning & Zoning staff to be present on the property for routine monitoring and inspection during approval process.


Owner/Applicant Signature(s)

6/24/13
Date



**REVIEW CRITERIA FOR ZONING AMENDMENT
VLACHOS PROPERTY
Tract 2G in Section 01, T29N, R22W**

1. *Is the proposed map amendment in accordance with the Growth Policy/Neighborhood Plan?*

Yes, the proposed zoning map amendment is in accordance with the 2012 Flathead County Growth Policy and the current Riverdale Neighborhood Plan.

The 2012 Flathead County Growth Policy includes Goal 14, which established the goal of a “Solid waste collection facility operation and landfill expansion free from land use conflicts with adjacent property owners” and Policy 14.1 to “Identify a 1,320 foot buffer surrounding the landfill and designate this area only for those land uses compatible with current and future landfill activities. Compatible uses such as industrial should be encouraged in this buffer.”

The northern boundary of Tract 2G is contiguous with the Flathead County Landfill property, touching the landfill at the extreme southeast corner of the landfill property. Tract 2G measures 1,312.52 feet north to south, and consequently the entire tract is within the recommended ¼ mile landfill buffer area.

The property is within the Riverdale Neighborhood Plan Area. The future land use for the property is designated as “Landfill Transition” on *Map No. 9: Riverdale Future Land Use*.

Goal 8 of the Riverdale Neighborhood Plan is to “provide opportunities for commercial and light industrial development in the designated Landfill Transitional area”.

According to the Riverdale Neighborhood Plan, uses in the Landfill Transitional Area include light industrial type development including warehouses, light assembly and manufacturing, and other uses compatible with and/or complementary to the continued operation of the Flathead County Landfill. The plan further states that “zoning districts which are consistent with the Landfill Transition include ... Light Industrial (I-1H (except accessory apartments) and I-2).”

The proposed new zoning of I-1H is in accordance with the industrial use that is encouraged by the Growth Policy and with the industrial zoning districts recommended within the Landfill Transitional area in the Riverdale Neighborhood Plan.

Dave Prunty, Flathead County Public Works Director, has indicated that the Landfill has no intentions of expanding to the south onto Tract 2G and that minimizing residential development on property adjacent to the landfill is very important. See letter from Dave Prunty dated April 16, 2013 included in this

application packet. Dave acknowledges in this letter that Tract 2G is within the Landfill Transition Area and that the proposed light industrial use is compatible with future expansion of the landfill.

Other goals and policies of the Growth Policy support the proposed amendment. Some of these are mentioned briefly as follows.

Goal 5: Adequate industrial land in areas that are close enough for goods and services to be efficient but far enough from other uses to offset objectionable impacts to the human and natural environment.

Policy 5.2: Promote industrial parks and centers that take advantage of infrastructure and minimize impacts to the environment or adjacent lands uses.

Policy 22.2: Promote business centers and industrial parks in areas served by sufficient infrastructure with consideration to proximity to population densities.

Access to Tract 2G is off of McDermott Lane, a paved County right-of-way that intersects with Highway 93 at an existing approved full movement approach. The site is centrally located in the Flathead Valley, almost equidistant from both Kalispell and Whitefish. Access to the site is good; taking advantage of existing transportation infrastructure. The property is close to both population centers and the lakes on which the stored boats are used.

Policy 21.1: Provide adequate land area designated for commercial and industrial use to promote affordability, creating entrepreneurialism and/or businesses relocation to Flathead County.

Policy 21.7: Support continuation of traditional and existing industries to maintain economic diversity and aid future business expansion.

Existing use on Tract 2G is a boat storage facility. This existing use was acknowledged in the Riverdale Neighborhood Plan (see Page 10, 2nd paragraph of Part 2 – Economic Conditions). RV storage is a listed Conditional Use in the I-1H zone. This zoning amendment will allow expansion of the existing storage facility.

2. *Is the proposed amendment designed to:*

a. *Secure safety from fire and other dangers?*

Yes, the proposed amendment would secure safety from fire and other dangers.

The property is not in a forested area nor is it adjacent to fire prone forested public lands. Risk from fire is low.

Combustible items currently on the property are limited to structures and their contents, and the grasses and trees that cover the undeveloped

surfaces of the parcel. The structures are situated along the west property boundary. Setback between the west walls of the structures and the rear property boundary is 20 feet or more. Setbacks to the sides and front exceed 100 feet in all cases. Existing structures conform to setback requirements of the proposed new I-1H zone. Any new structures would also meet setback requirements.

Access to the property is normally from McDermott Lane, a paved County right-of-way along the south boundary of the tract. Another emergency access, a paved driveway directly off Highway 93, also exists and is available to emergency vehicles only.

The parcel is located within the West Valley Fire District. The nearest West Valley Volunteer Fire and Rescue station is located at 2399 Whitefish Stage Road, about 3 road miles away. Fire and emergency medical response would come from this and other stations as necessary.

A portion of the property is within a Zone A flood hazard area as shown on Panel 1415 of the Flathead County Flood Insurance Rate Maps. A copy of a Firmette of this panel with the subject property noted in red is provided in the application packet.

An application for a permit to fill in the flood hazard area for another future building site and excavate a shallow depression in another area to contain a volume equal to the volume of flood water displaced by the fill has been submitted to Flathead County. No flood water would be pushed on to adjacent property by the development. An area of over 5.8 acres in the southern half of the tract would inundated by the waters of the 100 year precipitation event.

Future development on the property in the flood hazard area is subject to the Flathead County Floodplain and Floodway Management Regulations. All proposed future improvements would be in conformance to these regulations. All future buildings would be located outside the flood hazard area or else would be placed on fill so that the finished floor of the buildings will be at least 2 feet above the base flood elevation as required by Flathead County Floodplain regulations.

b. Promote the public health, public safety and general welfare?

Current and proposed expanded use is a boat storage facility consistent with a conditional use in the proposed new I-1H zoning classification. The boat facility is a low intensity use producing little traffic, noise, dirt, odors, light, glare, heat, or other objectionable by-products.

Access to the property is off McDermott Lane, a paved County roadway which connects to Highway 93. Law enforcement is provided by the Flathead County Sheriff's Office. Fire protection and emergency medical services are provided by the West Valley Volunteer Fire and Rescue Department.

Development on the property will conform to I-1H standards, which protect and promote public health, safety and general welfare.

The proposed zoning amendment will promote public health/safety and general welfare by reducing the likelihood of residential development within the landfill buffer area while encouraging other uses that are more compatible with the adjacent landfill.

- c. *Facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements?*

The property is presently served by adequate transportation infrastructure as previously described, with a paved County roadway along the south boundary and Highway 93 along the east boundary, and no off site roadway improvements are necessary. Future development to the west is possible and would be accessed from the existing County right-of-way (McDermott Lane), which could be extended to Prairie View Road, a potential future arterial as identified on *Map 5: Riverdale Transportation Network* of the Riverdale Neighborhood Plan. Public roadway improvements through the subject tract are not necessary to provide adequate access to future development on adjacent property.

There are no nearby public water supply & sewage treatment & disposal systems, and consequently private on-site water supply & sewage treatment & disposal systems are utilized by the sparse development in the general area. The proposed use on the subject tract – boat storage – does not require water supply or sewage treatment and disposal except for possibly a caretaker's abode, which would utilize the existing well and septic system that previously served a mobile home located at the north end of the parcel and presently serves the northerly-most building on the property.

Other more water intensive uses could require water supply or sewage systems with greater capacity than the present existing water & sewer systems. New or expanded sewer systems would require coordination and permitting with the Flathead County Sanitarians Office and/or Montana Department of Environmental Quality. New or expanded water supply systems could require coordination and permitting with the Flathead County Sanitarians Office, Montana Department of Environmental Quality and/or Montana Department of Natural Resources and Conservation. Any expanded or new systems necessary to meet the needs of other uses would be required to obtain approval from the pertinent authorities at the time of construction. Conformance with the applicable regulations would insure that these systems are proper and adequate.

The proposed use will not contribute to increased demands on schools and parks. Since residential development within the landfill buffer area is discouraged, the proposed zoning map amendment will not increase the number of school children or loads on the park system.

To the extent that amending the zoning from an agricultural to industrial designation increases the taxable value of the property, there will be a revenue increase for any public activity that receives funding through the property tax system. Schools and parks are two such public activities. Even though the proposed zoning amendment will not result in greater demands on the school or parks systems, both schools and parks should see an increase in revenue due to the zone change, which would help budgeting of system maintenance, operation and/or improvements.

3. *Does the proposed amendment consider:*

a. *The reasonable provision of adequate air and light?*

Present zoning (AG-40) allows for front, rear and side setbacks of 20 feet for principal structure and lesser side & rear setbacks of 5 feet for accessory structures.

Setbacks allowed in the proposed new zone (I-1H) are greater on the south and east sides – 50 feet and 35 feet, respectively, while side setbacks are 10 feet and rear setbacks are 20 feet. There is no differentiation between setbacks for principal and accessory structures.

The I-1H zoning includes additional design standards for access, building design, landscape buffer and signage that exceed the requirements of the AG-40 zone.

A greater maximum building height (40 feet) is allowed in the I-1H zone than in the AG-40 zone (35 feet). This greater building height is mitigated by the greater setback and other more stringent design standards.

In general, the I-1H zoning requirements will result in the provision of equal or better air & light than the existing AG-40 zoning requirements.

On this property specifically, with the previously mentioned 5.8 acres of flood hazard area on which no structures will be constructed, over half of the tract must remain as open space. This self limiting feature, in conjunction with the I-1H standards, will insure provision of more than adequate air and light.

b. *The effect on motorized and non-motorized transportation systems?*

Adequate access by vehicles to the tract is provided by the existing developed roadways previously described. The proposed use does not generate high traffic volumes and the existing transportation system has adequate capacity to handle any increased traffic produced by this zoning map amendment. Effects on the motorized transportation system will be negligible.

There are no existing bike or pedestrian paths along Highway 93 or McDermott Lane. Foot and bicycle traffic can move along the shoulders of Highway 93, although bicyclists may experience some discomfort due to proximity of high speed motor vehicle traffic. Highway shoulders are wide enough that so foot traffic is not similarly affected. Since McDermott

Lane is presently a dead end route, there is little, if any, foot or bicycle traffic. If a non-motorized path linking Kalispell and Whitefish is constructed in the future, there are much better routes than parallel to and directly adjacent to Highway 93 due to the proximity to relatively heavy, high speed motorized traffic; open, straight alignment; and lack of interesting topographic features compared with those that exist elsewhere nearby.

- c. *Compatible urban growth in the vicinity of cities and towns that at a minimum must include the areas around municipalities?*

Due to the adjacent Flathead County Landfill, urban growth consisting of high density residential uses is explicitly discouraged on this tract. The proposed zoning designation, I-1H, is specifically identified as being preferred in the Landfill Buffer zone and is compatible with growth policies for the area.

- d. *The character of the district and its peculiar suitability for particular uses?*

The property is currently used for boat storage and the proposed zoning map amendment will allow for expansion of this use. The land to the north is owned by the Flathead County Landfill and its present use is agricultural. The property further north of the adjacent landfill parcel currently contains commercial uses such as a restaurant, offices, yoga studio and second hand store. Directly to the south, the land is vacant and arguably agricultural. Further south is the Majestic Valley Arena. Montana Raceway Park lies south and west of the subject property and is accessed by McDermott Lane. Directly west of the subject tract are rural residential lots ranging in size from 1 to 5 acres. Across the highway to the east, the property is currently in agricultural production.

The proposed zoning map amendment would not alter the character of the district but rather would allow continued use of the property in its present and existing form. The property is well suited for the boat storage facility use due to its central location in the valley, existing good roadway access, low traffic generation, lack of need of water supply and wastewater generation capacity.

Again, in general, a light industrial designation is in keeping with the recommended uses for the Landfill Buffer area.

- e. *Conserving the value of buildings and encouraging the most appropriate use of land throughout the jurisdictional area?*

The proposed zoning map amendment would not alter the character of the district but rather would allow continued use of the property in its present and existing form. The character of the neighborhood will not change, so little change, if any, in property values would be expected.

The proposed zoning map amendment will encourage precisely the type of development that has been identified as the most appropriate for the area. The most appropriate uses for the property, as identified in the

Riverdale Neighborhood Plan, are those uses allowed in the landfill transitional area, which include the proposed I-1H zoning classification and specifically mentions “light industrial type development including warehouses”. These types of uses will allow continued operation and future expansion of the landfill without creating conflicts with adjacent property owners.

4. *Is the proposed amendment, as nearly as possible, compatible with the zoning ordinances of nearby municipalities?*

The nearest municipality is the City of Kalispell. The part of the City of Kalispell that is closest to the subject property is an undeveloped parcel associated with the Silverbrook subdivision. This parcel, Tract 1 of Section 13, T29N, R22W, is 71 acres in size and is zoned B-1/PUD. It is situated over a mile to the south at the southwest corner of Highway 93 and Church Drive. Further south and west, away from the corner lot, other parcels within the subdivision are zoned R-2/PUD or R-4/PUD. A small number of these parcels are developed while most are currently vacant.

In the Kalispell Zoning Regulations, the B-1 zone is called a “Neighborhood Buffer District”. The intent of the zone is described as follows:

“A business district to provide certain commercial and professional office uses where such uses are compatible with the adjacent residential areas. This district should serve as a buffer between residential areas and other commercial districts. This district is also intended to provide goods and services at a neighborhood level. The district is not intended for those businesses that require the outdoor display, sale and/or storage of merchandise, outdoor services or operations to accommodate large-scale commercial operations.”

The B-1 area is a buffer between residential areas and commercial districts, and the I-1H zone is a light industrial area serving as a buffer between the landfill and residential areas. The two zones would be compatible even if they were situated side by side. In this case, with the two zones a mile apart and the intervening property a mix of agricultural and commercial uses, the buffer function of both zones is effective and does and will achieve the intended outcome.